

# UNITED STATES PATENT AND TRADEMARK OFFICE





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,794	04/09/2000	William Mazzei	2041 CIP	1944
30084 7	590 03/28/2002			
DONN K. HARMS			EXAMINER	
PATENT & TRADEMARK LAW CENTER SUITE 100			LINDSEY, RODNEY M	
12702 VIA CORTINA DEL MAR, CA 92014			ART UNIT	PAPER NUMBER
,			3765	11-2
			DATE MAILED: 03/28/2002	# 3

Please find below and/or attached an Office communication concerning this application or proceeding.

COSTA THE ZENTED

Office Action Summary    Saminer   Reaminer   Rodney M. Lindsey   3765	,	Application No.	Applicant(s)				
Rodney M. Lindsey  3765  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE Of this Communication appears on the cover sheet with the correspondence address— Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than their (SIQ) stays, a reply within the databate very inspective flowing, the medium dature period will applie and legislate (SIQ) stays will be considered timely.  If the period for reply specified above is less than their (SIQ) stays, a reply within the databate very inspective database, the mediting address of the constant state of the communication.  If the period for reply specified above is less than the on control and the control and the communication. The period of the communication of the communication of the communication of the communication.  Any reply received by the Office less than there months after the mailing date of this communication, sever if linely filed, may reduce any several communication.  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of U.Lims  4) Claim(s) 1.22 is/are pending in the application.  4a) Of the above datim(s) is/are withdrawn from consideration.  Claim(s) 1.22 is/are rejected.  By Claim(s) 1.22 is/are rejected.  By Claim(s) 1.22 is/are rejected to.  By Claim(s) 1.22 is/are rejected to.  By Claim(s) 1.22 is/are allowed.  By Claim(s) 1.22 is/are pending in the application and/or election requirement.  Application may not request that any objection to the drawing(s		09/545,794	MAZZEI ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALINIS QATE OF THIS COMMUNICATION.  Estimation of min may be available under the providence of 3 CPR 1.13(a). In no event, however, may a reply be timely filed  Estimation of the providence of th	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  after SIX (6) MONTH'S from the making date of this communication.  after SIX (6) MONTH'S from the making date of this communication.  if the period for reply specified above, the makinum adulatory period will apply with the stitutiony milinium of thinty (50) days will be considered timely.  if NO period for reply specified above, the makinum adulatory period will apply with the stitutiony milinium, of thinty (50) days will be considered timely.  If NO period for reply specified above, the makinum adulatory period will apply with the stitutiony milinium of thinty (50) days will be considered timely.  Any reply received by the Office that the three molecular days the stitution of the period will apply with the stitution provided will be considered timely.  Any reply received by the Office that the three makinum adulting date of this communication, even if limely filled, may reduce any seminary provided by the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claim(s) is/are allowed.  4) Claim(s) is/are allowed.  2) Claim(s) is/are allowed.  2) Claim(s) is/are allowed.  2) Claim(s) is/are allowed.  2) Claim(s) is/are objected to by the Examiner.  10) X The drawing(s) filled on 99 April 2000 (s/are: a) accepted or b) X objected to by the Examiner.  11) X The drawing(s) filled on 99 April 2000 (s/are: a) accepted or b) X objected to by the Examiner.  12) The proposed drawing correction filled on is all accepted or by X objected to by the Examiner.  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) All b) Some * c) None of:  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (o a provi		1					
Extensions of the many be available under the proteins of 37 CFR 1.136(a). In no event, however, may a reply be timely field after 5X (6) MCNT155 from the mailing date of this communication.  **INO period for reply is specified under the proteins of 37 CFR 1.136(a).  **INO period for reply to specified under the mailing date of this communication.  **Failure to reply within the set or advanced prender reply will. by abstude, cause the application to become ARANDONED (33 U.S.C. § 133). Any reply received by the Office with thin throm months under the formaling date of this communication, even if timely filed. may reduce any  **Status**  1/_ Responsive to communication(s) filled on							
This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Ciaims  4) Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  8) Claim(s) is/are allowed.  8) Claim(s) is/are objected to.  6] Claim(s) are subject to restriction and/or election requirement.  Application Papers  Application Papers  Application Papers  Application may not request that any objection to the drawing(s) belief to by the Examiner.  10	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any arred patent term adjustment. See 37 CFR 1.704(b).						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  4a) Of the above claim(s) is/are allowed.  5) ○ Claim(s) is/are allowed.  6) ○ Claim(s) is/are objected to.  7) ○ Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  7) ○ The specification is objected to by the Examiner.  7) ○ The proposed drawing(s) filed on 09 April 2000 is/are: a) □ accepted or b) ○ objected to by the Examiner.  7) ○ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  8) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  9 □ If approved, corrected drawings are required in reply to this Office action.  10 □ The oath or declaration is objected to by the Examiner.  11 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  11 □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  12 □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  13 □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  14 □ The translation of the foreign language provisional application has been received.  15 □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  15 □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 190 and/or 121.  16 □ Acknowledgment is made of a clai	1) Responsive to communication(s) filed on	<u></u> ·					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or election requirement.  Application Papers  The specification is objected to by the Examiner.  Application Papers  The drawing(s) filed on 09 April 2000 is/are: a) accepted or b) objected to by the Examiner.  Application payers  The proposed drawing correction filed on is: a) approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Prigity under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  henent(s)  Notice of Reft.r- roces Cited (PTO-892)    Notice of Oreitsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	'a)  This action is <b>FINAL</b> . 2b)⊠ Thi	s action is non-final.					
4) ☐ Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
4a) Of the above claim(s) is/are withdrawn from consideration.    Claim(s) is/are allowed.   Claim(s) is/are rejected.   Claim(s) is/are rejected.   Claim(s) is/are objected to.   Claim(s) is/are objected to.   Claim(s) is/are objected to by the Examiner.   Claim(s) are subject to restriction and/or election requirement.   Application Papers   The specification is objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   The oath or declaration is objected to by the Examiner.   Priority under 35 U.S.C. §§ 119 and 120   13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a) All   b) Some * c) None of:   Certified copies of the priority documents have been received.   2 Certified copies of the priority documents have been received in Application No   3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   * See the attached detailed Office action for a list of the certified copies not received.   3 Copies of the cartine for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).   a) The translation of the foreign language provisional application has been received.   5 And D And D	· _						
Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) is/are objected to.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or election requirement.  Application Papers  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Claim(s) Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Claim(s) Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Claim(s) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Prigity under 35 U.S.C. §§ 119 and 120  13] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)(] Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  S) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A. height has a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A. height has a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A. height has a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Claim(s) 1-22 is/are rejected.  Claim(s) is/are objected to.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or election requirement.  Application Papers  The specification is objected to by the Examiner.  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Prigity under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All   b) some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)( Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  A. ~ hment(s)      Notice of Refuter case Cited (PTO-892)     Notice of International Patent Application (PTO-152)	<u> </u>						
Claim(s) is/are objected to.    Claim(s) are subject to restriction and/or election requirement.   Application Papers							
Claim(s) are subject to restriction and/or election requirement.  Application Papers  The specification is objected to by the Examiner.  The drawing(s) filed on _09 April 2000 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Prigity under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  3 Characteristic is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Ac-:hment(s)  1) Notice of Refuter is Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	3 255						
Application Papers  The specification is objected to by the Examiner.  To isolar The drawing(s) filed on <u>O9 April 2000</u> is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Prigity under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		election requirement					
The drawing(s) filed on O9 April 2000 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  .5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Acceptable.	1.53						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  .5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Accordingly Paper No(s)  1) Notice of Refure ces Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	gaal '						
The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  .5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Acc.:hment(s)  1) Notice of Refuse nees Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  Notice of Draftsperson's Patent Drawing Review (PTO-948)	#						
If approved, corrected drawings are required in reply to this Office action.  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)							
The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)							
Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  .5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.c.: hment(s)  1) Notice of Refurences Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	$oldsymbol{arOmega}$						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Acc.:hment(s)  1) Notice of Refure coes Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)							
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Acchment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Informal Patent Application (PTO-152)							
1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Acchment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Informal Patent Application (PTO-152)							
2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) ☐ The translation of the foreign language provisional application has been received.  .5) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.T.::hment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) ☐ Notice of Informal Patent Application (PTO-152)	, , , <b>_</b> _						
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) ☐ The translation of the foreign language provisional application has been received.  .5) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.C.:hment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) ☐ Notice of Informal Patent Application (PTO-152)							
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.T.: hment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)							
a) The translation of the foreign language provisional application has been received.  5) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.C.:hment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  4) Interview Summary (PTO-413) Paper No(s).  5) Notice of Informal Patent Application (PTO-152)	application from the International Bureau (PCT Rule 17.2(a)).						
. 5) ⊠ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  A.To::hment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  4) ☒ Interview Summary (PTO-413) Paper No(s)  5) ☒ Notice of Informal Patent Application (PTO-152)	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)							
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F					

r

Art Unit: 3765

### **DETAILED ACTION**

## Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they 1. do not include the following reference sign(s) mentioned in the description: 38, 39, 56, 82. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

# Specification

2. The disclosure is objected to because of the following informalities: "35" as referenced on page 21, line 20 of the specification is not as shown in Figure 3, that is "35" does not reference an indentation on cushion 31.

Appropriate correction is required.

# Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, last line "said sides" has no antecedent basis. In claim 4, line 9 the limitation of "said sidewalls" is confusing as to which prior recited sidewalls are being referenced. In claim 14, line 4 "said protective head apparatus" has no antecedent basis. In claim 19, line 2 "said means for heating the head" has no antecedent basis.

Application/Control Number: 09/545,794

Art Unit: 3765

## Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartunian. Hartunian discloses a protective helmet apparatus comprising a cushion 80 with a front portion 16 and sidewall portions 22, 24 and a cushion ocular aperture 82 providing communication between interior and exterior surfaces to define a viewing passage (see column 10, lines 60-68). With respect to claim 2 the limitation of that the cushion cooperate with a casing is not seen to set forth any structure of the cushion not taught by Hartunian or any function of the cushion not inherent in Hartunian.

#### Allowable Subject Matter

7. Claims 3-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note particularly, the similar head supports of Voss, Williams, Michelson and Gilliland et al.

Application/Control Number: 09/545,794

Art Unit: 3765

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Lindsey whose telephone number is (703) 305-7818. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9301.

Rodney M. Lindsey Primary Examiner

Art Unit 3765

rml March 24, 2002